

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Docket No.: 19-CV-3247

Plaintiff(s),

VERIFIED ANSWER

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X

The defendant, **ALFONSO SOLLAMI**, by his attorneys, VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP, answering the complaint of the plaintiff, upon information and belief, respectfully shows to this Court and alleges:

1. Denies having knowledge and information sufficient to form a belief as to the allegations contained within paragraphs 1, 3, 5, 6, 9, 14, and 15.
2. Admits the allegations contained within paragraphs 2, and 4.
3. Denies each and every allegation contained within paragraphs 1, 8, 10, 11, 12, and 13.
4. Denies having knowledge and information sufficient to form a belief as to the allegations contained within paragraph 7 and begs leave to refer all questions of law to the Court.
5. Denies each and every allegation contained within paragraphs 16 and 17 and begs leave to refer all questions of law to the Court.
6. Any paragraph in the complaint not answered is deemed denied.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

7. That any injuries sustained by plaintiff at the time and place mentioned in the Verified Complaint were caused solely and wholly by reason of the carelessness, negligence, recklessness and acts or omissions on the part of the plaintiff and were not caused or

contributed to by reason of any carelessness, negligence, recklessness or acts or omissions on the part of this answering defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

8. That the answering defendant reserves the right to claim the limitations of liability pursuant to Article 16 of the CPLR, for any recovery herein by the plaintiff for non-economic loss.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

9. In the event plaintiff recovers a verdict or judgment against defendant, such verdict or judgment must be reduced pursuant to §4545 of the CPLR by those amounts which have been, or will, with reasonable certainty replace or indemnify plaintiff in whole or in part, for any past or future claimed economic loss, from any collateral source.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

10. If plaintiff is entitled to recover damages for loss of earnings or impairment of earning ability as against defendant **ALFONSO SOLLAMI** by reason of the matters alleged in the Verified Complaint, liability for which is hereby denied, then pursuant to CPLR §4546 the amount of damages recoverable against said defendant, if any, shall be reduced by the amount of federal, state and local income taxes which the plaintiff would have been obligated by law to pay.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

11. The defendant asserts the defense of set-off to reduce the plaintiff's claims under §15-108 of the General Obligations Law.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

12. That the damages of the plaintiff were caused in whole or in part by the culpable conduct of the plaintiff which either bars the claims completely or else diminishes the damages by

the proportion that such culpable conduct of the plaintiff bears to the total culpable conduct causing the damages.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

13. The alleged causes of action set forth in the Verified Complaint did not accrue within the applicable statutory period preceding the commencement of said actions, and said actions are barred by the statute of limitations.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

14. The defendant will offer proof regarding the Affordable Care Act including the cost of premiums and out-of-pocket limits that were made available to plaintiff under the Affordable Care Act, and will offer proof of the medical costs which plaintiff will not incur under the Affordable Care Act.

AS AND FOR AN NINTH AFFIRMATIVE DEFENSE

15. The plaintiff's Verified Complaint fails to state a cause of action as against this answering defendant upon which relief can be granted.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

16. The causes of action alleged in the Verified Complaint are barred by the provisions of the Comprehensive Automobile Insurance Reparation Act of the State of New York.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

17. Plaintiff failed to use available seatbelts, shoulder harnesses and other safety devices thereby causing or aggravating the alleged injuries. Defendant demands that damages, if any, be reduced by a proportionate amount attributable to those injuries caused or aggravated by plaintiff's failure to use seatbelts, shoulder harnesses and other safety devices.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

18. The plaintiff has failed to properly serve defendant and failed to obtain personal jurisdiction.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

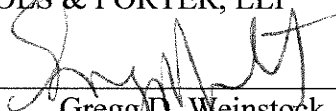
19. The plaintiff's cause of action is barred by Article 51, Section 5104 of the Insurance Law of the State of New York.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

20. The defendant was faced with sudden and unexpected events or a combination of events, which left little or no time for reflection or deliberate judgment, and caused him to be reasonably so disturbed that he was required to make speedy decisions, without weighing alternative courses of conduct, which made the defendant victim of an emergency, of which he did nothing to create and for which he did everything reasonably possible to attempt to avoid such accident.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,
VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: 
Gregg D. Weinstock

Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

CERTIFICATION

I certify that a copy of the ANSWER AND VARIOUS DISCOVERY DEMANDS was or will immediately be mailed or delivered electronically or non-electronically on April 23, 2019 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.

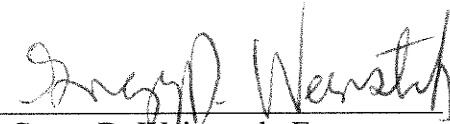
Attorneys for Plaintiff(s)

203 East Post Road

White Plains, New York 10601

(914) 574-8330

By



Gregg D. Weinstock, Esq.

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X Civ.: 19-cv-3247
LISA MELTON,

Plaintiff(s),

-against-

**DEMAND FOR HIPAA
COMPLIANT
AUTHORIZATIONS**

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to F.R.C.P., you are hereby required to produce and permit discovery by the attorneys for the Defendant, ALFONSO SOLLAMI, at the offices of VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP., 300 Garden City Plaza, Suite 308, Garden City, New York 11530 within twenty (20) days after receipt of this Demand, duly executed authorizations, which include the addresses of the party to whom the authorizations apply, permitting the LAW OFFICES OF VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP, or their authorized representatives to obtain copies of the records:

1. All collateral sources;
2. Employment records;
3. Pharmacy records;
4. Physical Therapy records;
5. All prior and subsequent treating physicians and facilities;
6. Internal Revenue Service Form 4506, 1099's W-2's for the past 5 years with two forms of identification;
7. Medicare;
8. Medicaid;

9. Worker's Compensation;
10. All health care insurers;
11. Primary care physician;
12. EMS/Ambulance call report;
13. SSDI/SSI
14. No fault file

PLEASE TAKE FURTHER NOTICE, that with respect to all authorizations for medical/hospital/healthcare records, the authorizations must comply with Federal HIPAA regulations.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

**DEMAND FOR
TRIAL
AUTHORIZATIONS**

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

PLEASE TAKE NOTICE that, the below named attorney demands that the plaintiff furnish the below named defendant(s) with the following, at the time the Note of Issue is filed:

HIPAA COMPLIANT AUTHORIZATIONS FOR ALL PROVIDERS IDENTIFIED DURING DISCOVERY ENABLING THE DEFENDANT TO SERVE SUBPOENAS FOR THE TRIAL OF THIS MATTER.

Said authorizations are to contain full and proper names and addresses, together with any necessary identifying information, such as Social Security Number, and are to be HIPAA compliant to obtain the requisite records, films and billing records.

PLEASE TAKE FURTHER NOTICE that, failure to comply with the above demand will be the basis of a motion seeking appropriate relief, including, but not limited to dismissal of the complaint.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: *Gregg D. Weinstock*

Gregg D. Weinstock

Attorneys for Defendant(s)

ALFONSO SOLLAMI

300 Garden City Plaza, Suite 308

Garden City, New York 11530

(516) 282-3355

VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.

Attorneys for Plaintiff(s)

203 East Post Road

White Plains, New York 10601

(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

Civ.: 19-cv-3247

**DEMAND FOR
DISCLOSURE OF
MEDICARE/MEDICAID
LIEN INFORMATION**

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P., the undersigned attorneys for defendant(s) hereby demand that you furnish the following within 30 days of the service of this Notice:

1. A statement as to whether the plaintiff has received benefits from either Medicare or Medicaid at any time, for any reason, not limited to the injuries alleged in the instant action. If so, please provide:

- a. Plaintiff's date of birth;
- b. Plaintiff's Social Security Number;
- c. The Medicare/Medicaid identification/file numbers;
- d. The address of the office handling the Medicare/Medicaid file;
- e. Copies of all documents, records, memorandums, notes, etc. in plaintiff's possession pertaining to plaintiff's receipt of Medicare or Medicaid benefits, and;
- f. A duly executed HIPAA-compliant authorization bearing plaintiff's date of birth and Social Security Number permitting this firm and other representatives of the defendant(s) to obtain copies of plaintiff's Medicare or Medicaid records.

If this matter involves a claim for wrongful death, information as to the Medicare/Medicaid status of the decedent should be provided.

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P., this is a continuing Demand and you are required to serve the demanded information by the earliest of the following:

- a. Within 30 days of the date of this Demand;
- b. Within 20 days of receiving the above-requested information; and
- c. No later than 30 days prior to the commencement of trial.

PLEASE TAKE NOTICE, that if you fail to comply with this Demand, defendant(s) reserve their right to seek Court intervention and rely on all sanctions provided by law.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

**NOTICE OF
DISCOVERY AND
INSPECTION**

PLEASE TAKE NOTICE, that pursuant to F.R.C.P., you are hereby required to produce and permit discovery by the attorneys for the Defendant, ALFONSO SOLLAMI, of the following documents, statements and things for inspection at the offices of VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP., 300 Garden City Plaza, Suite 308, Garden City, New York 11530 within twenty (20) days after receipt of this Notice:

1. any radiologic films, tissue samples, pathology slides in possession of plaintiff(s) or plaintiff's attorneys;
2. any journals, calendars or diaries maintained by plaintiff(s) relative to the claims in this case;
3. any photographs or videotapes plaintiff(s) intends to use at trial;
4. any and all pleadings and transcripts pertaining to any other legal action which may be pending or completed which arose from the same injuries or claims as this lawsuit;
5. copies of any bills, paid checks, statements or invoices documenting any claimed special damages;
6. copies of any and all records and correspondence defendant(s) provided and/or forwarded to plaintiff and/or plaintiff's counsel prior to the inception of this lawsuit and/or service of this demand;

7. duplicates of all notices/correspondence/communication from any health care provider claiming any right of subrogation or lien.
8. Affidavit of Service;
9. Proof of filing;
10. Accident report;
11. Plaintiff's Automobile Insurance Policy;
12. Insured's records in plaintiff(s) possession.

PLEASE TAKE FURTHER NOTICE, that the foregoing are continuing demands and supplemental responses up to the time of trial are required. Failure to provide the aforesaid items within twenty (20) days after receipt of this notice will leave you subject to the provisions of the F.R.C.P.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

**DEMAND FOR
TOTAL DAMAGES**

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

Defendant, ALFONSO SOLLAMI, requests a demand setting forth the total damages to which the plaintiffs deem themselves to be entitled.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

**NOTICE TO TAKE
DEPOSITION UPON
ORAL EXAMINATION**

PLEASE TAKE NOTICE, that pursuant to F.R.C.P., the testimony upon oral examination of the following parties shall take place before a Notary Public not affiliated with any of the parties or their attorneys, on all relevant and material issues:

Plaintiff: LISA MELTON

Date: August 13, 2019

Time: 10:00 a.m.

Place: VIGORITO, BARKER, PATTERSON, NICHOLS & PORTER, LLP
300 Garden City Plaza - Suite 308
Garden City, New York 11530

PLEASE TAKE FURTHER NOTICE, that the parties to be examined are required to produce at such examination the following:

All pertinent records, correspondence and file material pertaining to this case in their custody and possession.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock

Attorneys for Defendant(s)

ALFONSO SOLLAMI

300 Garden City Plaza, Suite 308

Garden City, New York 11530

(516) 282-3355

VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.

Attorneys for Plaintiff(s)

203 East Post Road

White Plains, New York 10601

(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

**DEMAND FOR
EXPERT WITNESS
INFORMATION**

PLEASE TAKE NOTICE, that demand is hereby made upon you pursuant to the F.R.C.P.
to produce:

1. The names of any and all persons plaintiff expects to call as expert witnesses at the time of trial of the above captioned action.
2. In reasonable detail, a written statement as to the qualifications of each expert witness to be called in a medical malpractice action including but not limited to:
 - a. The undergraduate school attended by such expert with the year of graduation;
 - b. The medical school attended by such expert with the year of graduation;
 - c. The institutions attended by the expert in connection with any internship, residency, fellowship or other specialized training and the dates of such attendance;
 - d. The expert's areas of specialization;
 - e. In the case of a board certified expert, the name of each certifying board and the year of certification;
 - f. State of licensure in the United States. If not licensed to practice in the United States, a statement as to where licensure was attained;

- g. The title of any text authored, contributed to or edited by the expert together with an appropriate citation (by name of publication);
 - h. Volume number, date or other appropriate identifying number and; the title of any articles authored, contributed to, or edited by the expert, together with an appropriate citation (by name of publication, volume number, date or other appropriate identifying matter).
- 3. In reasonable detail, a statement as to the subject matter upon which the expert who is expected to testify.
 - 4. In reasonable detail, the substance of the facts and opinions on each expert who is expected to testify.
 - 5. In reasonable detail, a summary of the grounds for each expert's opinion (including records, textbooks, treatises and/or articles relied on).

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X Civ.: 19-cv-3247
LISA MELTON,

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

**DEMAND FOR
ECONOMIC EXPERT
WITNESS
INFORMATION**

PLEASE TAKE NOTICE that, pursuant to F.R.C.P., it is demanded that you
respond to the following:

1. If plaintiff(s) expects to call an economic expert, an economist, or actuary, state:
 - (a) The identity of each expert and list:
 - (i) all undergraduate school(s) attended, giving dates of attendance and degree conferred;
 - (ii) all post graduate school(s) attended, giving dates of attendance and degree conferred;
 - (iii) all articles, texts, treatises authored or contributed to by each expert;
 - (iv) all academic positions held by each expert and the dates each position was held.
 - (b) A specific description of the losses for which such calculations will be made (i.e., present value of the loss of future earnings, present value of second job earnings, present value of future medical expenses, etc.);
 - (c) The undiscounted amount of such loss;
 - (d) The present value of the dollar amount of such loss;
 - (e) The discount rate applied by such persons to determine present value and the reason for such rate;

- (f) The number of years involved in such discounting process and the opinions and facts on which the economist bases the determination of that number of years;
- (g) With regard to testing concerning growth of future income on an annual or other basis at a projected rate of income greater than the income earned by the plaintiff when last employed, state the growth rate for such income as estimated by such person, the opinions and facts on which that estimate is based, and specify the publication and location by the defendant;
- (h) Specify each factor other than those which have been noted above, which the person has used in calculating the net amount of the present value of the loss and identify specifically the source material and page number on which such person bases his opinion or draws the facts on which he relied;
- (i) With regard to any information secured from any test, publication, graph, chart or study other than as already designated, specify such source material and page number;
- (j) In detail, state precisely the manner in which the person reached his or her conclusions, showing the mathematical calculations involved;
- (k) With regard to any report, memoranda, or any other matter in writing showing in whole or in part the expert's conclusions or the facts upon which such conclusions were based, state the date of such writing and the names and addresses of person(s) having copies of it; and
- (l) Attach a copy of each expert's written report.

This notice is a continuing demand for the information requested concerning trial experts.

Failure to comply with the demand shall be grounds upon which the defendant will seek to preclude

plaintiff(s) from introducing the expert's testimony at trial; striking the complaint and dismissing the action; and, for such other relief as the court deems just and proper.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

NOTICE

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P. the offices of the undersigned will
not accept service of legal papers or correspondence via "electronic means."

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X Civ.: 19-cv-3247
LISA MELTON,

Plaintiff(s),

**DEMAND FOR
WITNESSES**

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S:

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P., the undersigned demands that you produce within twenty (20) days the following items for discovery and inspection:

1. The name and address of each person claimed to be a witness to the following:
 - (a) The occurrence alleged in plaintiffs' complaint;
 - (b) Any acts, omissions or conditions which allegedly caused the occurrence;

If not such witnesses are known to you, then so state under oath in reply to this demand. The undersigned will object at the time of trial to the testimony of any persons not so identified.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,
VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock
Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

**DEMAND FOR
COLLATERAL SOURCE
INFORMATION**

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to F.R.C.P., a demand is hereby made for plaintiff to provide the undersigned with a verified statement setting forth:

1. Whether plaintiff have been reimbursed or indemnified for any special damage claimed in this action from any collateral source.
 - a. If the answer to the foregoing is in the affirmative, state for which of such claims plaintiff has received payment, the amount thereof and the name and address of the person, firms or organization who made such payment.
 - b. If such claim was presented to an insurance company, state the number of the policy under which such presentation was made.
2. Whether plaintiff have made claim for payment for any other special damage which has not as yet been paid.
 - a. If the answer to the foregoing is in the affirmative, state the name of the person, firm or organization to whom such claim was presented, the date of presentation and the amount claimed.
 - b. If such claim was presented to an insurance company, state the number of the policy under which such presentation was made.

PLEASE TAKE FURTHER NOTICE, that your failure to comply with the foregoing demand within twenty (20) days will result in a motion for appropriate relief.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

**DEFENDANT'S FIRST
SET OF
INTERROGATORIES
TO THE PLAINTIFF**

PURSUANT TO F.R.C.P. 33, plaintiff is to respond to the following interrogatories:

1. Full name of plaintiff Lisa Melton.
2. Present address of plaintiff Lisa Melton.
3. Date of birth of plaintiff Lisa Melton.
4. Social Security number of plaintiff Lisa Melton.
5. The date and approximate time of day of the occurrence.
6. The location of the occurrence set forth in the Complaint with sufficient details to enable the defendant to identify same, giving the name, number, mile marker, or other designation of the intersection streets, avenues, highway or interstate. If at an intersection, plaintiff shall so state, if not an intersection, plaintiff shall give the distance from or to the nearest intersection street or avenue. If the occurrence occurred on a highway or interstate, plaintiff shall so state the name of the highway or interstate and give the distance from or to nearest mile marker or exit.
7. The acts or omissions constituting the negligence claims against the defendant.
8. The registration number of the defendant's automobile and the name of the driver thereof.
9. The direction in which the street, avenue, highway or interstate on which it will be claimed the motor vehicle of the defendant was proceeding immediately prior to the occurrence and the direction in which and the street on which it will be alleged the motor vehicle of the plaintiff was proceeding immediately prior to the accident.
10. The direction in which and the street, avenue, highway or interstate on which it will be claimed the motor vehicle of the defendant was proceeding immediately prior to

the accident; and the direction in which it will be alleged the plaintiff was moving immediately prior to the accident.

11. State the speeds at which it will be claimed each vehicle of defendant was proceeding immediately prior to the accident.
12.
 - a. The usual vocation or occupation of each plaintiff, together with the amount of his or her daily, weekly or monthly wages or salary or income.
 - b. The name and address of each plaintiff's employer at the time of the occurrence.
 - c. The last date on which each plaintiff worked for this employer prior to the occurrence.
 - d. Length of time each plaintiff was incapacitated from employment.
- c. A detailed statement of the injuries alleged to have been sustained by each plaintiff, the duration of each of the alleged injuries and which injuries each plaintiff claims will be permanent.
- d. Length of time, giving specific dates for each, that each plaintiff was confined to (a) hospital, (b) bed at home, (c) home, but not in bed.
- e. Total amount claimed as special damages for each plaintiff for:
 - a. Physicians' Services;
 - b. Medical Supplies;
 - c. Hospital Expenses;
 - d. Nurses' Services;
 - e. Loss of Earnings;
 - f. Each and every other item of special damages;
 - g. If loss of service is claimed, set forth the particulars of each such claim in detail.
- f.
 - a. The part of the automobiles or other property of the plaintiff which said plaintiff will claim to have been damaged; the extent of the damage, the amounts expended in the repair of each part, giving description of the make, model, year, license number of the car and/or identification of any other property.
 - b. Whether the vehicle or other property was purchased new or used, the date of purchase, and the purchase price paid therefor.
 - c. If loss of use is claimed, state (a) dates of loss of use; (b) whether replacement vehicle was hired and, if so, (c) dates of such hiring and (d) amounts paid therefore.
- g. If the plaintiff was a student at the time of the accident, state the name and address of the plaintiff's school and the number of days and dates the plaintiff was necessarily kept from school.

- h. Set forth the provisions or sections or the statutes, ordinances, local traffic rules and regulations which it will be claimed the defendant herein violated as alleged in the Complaint.
- i. State how it will be claimed that the plaintiff sustained a serious injury as defined by the Comprehensive Automobile Reparations Act.
- j. State if the plaintiff was reimbursed for expenses incurred under the provisions of the Comprehensive Automobile Insurance Reparations Act and state which expenses were reimbursed.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,

VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock

Gregg D. Weinstock

Attorneys for Defendant(s)

ALFONSO SOLLAMI

300 Garden City Plaza, Suite 308

Garden City, New York 11530

(516) 282-3355

VBPMP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Civ.: 19-cv-3247

Plaintiff(s),

NOTICE TO PRESERVE

-against-

ALFONSO SOLLAMI,

Defendants(s).

-----X
C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P., you are hereby required to preserve and maintain the Facebook, LinkedIn and other Social Media website accounts, not limited to, Plaintiff's Facebook Walls, emails, wall postings (either posted on her page/or posted by her on other pages), and photographs.

PLEASE TAKE NOTICE, that in the event that such materials are destroyed, altered and/or otherwise made unavailable, this Defendant reserves the right to move for any and all available relief based on the spoliation of evidence in this matter.

PLEASE TAKE FURTHER NOTICE that the demand for this discovery does not in any way limit or supersede prior demands for discovery, which must still be provided. This and all demands served by this office shall be deemed to continue during the pendency of this action if any of the above items are subsequently obtained.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,
VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: *Gregg D. Weinstock*

Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
Attorneys for Plaintiff(s)
203 East Post Road
White Plains, New York 10601
(914) 574-8330

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----X
LISA MELTON,

Plaintiff(s),

-against-

ALFONSO SOLLAMI,

Defendants(s).
-----X

Civ.: 19-cv-3247

**DEMANDS FOR
AUTHORIZATIONS
AND NOTICE TO
PRESERVE EVIDENCE**

C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to the F.R.C.P., the Plaintiff is hereby required to furnish to the undersigned within thirty (30) days hereof, original duly executed and addressed, open-ended authorization for the release of plaintiff's records for the following:

1. Facebook account, including but not limited to all records, information, photographs and videos for one (1) year prior to the subject accident to the present. Authorization shall include the name, user name, screen name and email account used in creating the account;
2. MySpace account, including but not limited to all information, photographs and videos for one (1) year prior to the subject accident to the present. Authorization shall include the name, user name, screen name and email account used in creating the account;
3. YouTube account, including but not limited to all information, photographs, and videos for one (1) year prior to the subject accident to the present. Authorization shall include the name, user name, screen name and email account used in creating the account.
4. LinkedIn account, including but not limited to all information, photographs, and videos for one (1) year prior to the subject accident to the present. Authorization shall include the name, user name, screen name and email account used in creating the account.

PLEASE TAKE FURTHER NOTICE, that you or your client(s) must preserve all evidence, including the above websites' information, photographs and videos, for the duration of this litigation.

Dated: Garden City, New York
April 22, 2019

Yours, etc.,
VIGORITO, BARKER, PATTERSON,
NICHOLS & PORTER, LLP

By: Gregg D. Weinstock
Gregg D. Weinstock
Attorneys for Defendant(s)
ALFONSO SOLLAMI
300 Garden City Plaza, Suite 308
Garden City, New York 11530
(516) 282-3355
VBPNP File No.: 70-071

TO: LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.
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